

**FILED**

**MAY 23 2016**

Clerk, U S District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

GREGORY L. WALLACE,

Plaintiff,

vs.

TONI BARCLAY, CCCS, INC. PA  
McGREELY or McGREEDY, DAVID  
PENTLAND, MONTANA STATE  
MEDICAL BOARD, and PA KOHUT,

Defendants.

CV 15-42-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered findings and recommendations in this case on March 29, 2016, recommending that Plaintiff Gregory L. Wallace's ("Wallace") complaints be dismissed for failing to state a claim upon which relief may be granted. Wallace timely filed what the Court construes as objections to the findings and recommendations, and so will conduct de novo review of those findings and recommendations to which he specifically objects. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981);

*Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

After granting Wallace leave to file an amended complaint on two separate occasions, Judge Johnston has concluded that the deficiencies in Wallace’s pleadings cannot be cured, and that dismissal is appropriate because Wallace has yet to allege any viable claim. Judge Johnston has referred to Wallace’s filings as incoherent, a characterization with which this Court agrees. To the extent they can reasonably be labeled as such, Wallace’s objections are likewise incoherent and do not reference Judge Johnston’s findings and recommendations in any way.

Having failed to specifically object to any of Judge Johnston’s findings and recommendations, the Court reviews the record for clear error, and, finding none,

IT IS ORDERED that Judge Johnston’s findings and recommendations (Doc. 9) are ADOPTED IN FULL. This case is DISMISSED WITH PREJUDICE. The Clerk of Court shall CLOSE this case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that the Court certifies, pursuant to Rule 24(a)(3)(A) of the Federal Rules

of Appellate Procedure, that any appeal of this decision would not be taken in good faith.

DATED this 23<sup>rd</sup> day of May, 2016.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looping initial "D".

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Dana L. Christensen, Chief Judge  
United States District Court